

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 09-CR-016

DENNIS CROUSE,

Defendant.

**GOVERNMENT MOTION FOR DOWNWARD DEPARTURE
PURSUANT TO U.S.S.G. § 5K1.1**

The United States of America, by and through its attorneys, Michelle L. Jacobs, the United States Attorney for the Eastern District of Wisconsin, and Matthew L. Jacobs, Assistant United States Attorney for said district, hereby moves this Court pursuant to U.S.S.G. § 5K1.1 for a downward departure from the otherwise applicable sentencing guideline range. As grounds for the motion, the government states as follows:

1. The defendant in this case, Dennis Crouse, cooperated with the government in the investigation and prosecution of criminal activity, as described below. Based upon that cooperation, the government respectfully requests that this Court depart downward two (2) levels from the otherwise applicable offense level.

2. On August 31, 2009, and pursuant to a plea agreement filed on August 20, 2009, defendant Dennis Crouse, pleaded guilty to Count One of the two-count indictment

previously returned against him and his co-defendant, Sharon Schroder. Specifically, Mr. Crouse pleaded guilty to unlawfully converting government property, in violation of Title 18, United States Code, Section 641.

3. Consistent with the recommendations of the parties in the plea agreement, the Presentence Investigation Report (“PSR”) proposes a guideline imprisonment range of 10 to 16 month, which is in Zone C of the Sentencing Table. This range is based on a total offense level of 12 and a criminal history category of I. PSR ¶ 83.

4. Under the terms of his plea agreement, Mr. Crouse agreed to and has cooperated with the government in the investigation and prosecution of one or more other individuals. Specifically, the defendant was interviewed by federal agents and agreed to testify against his co-defendant should she have elected to proceed to trial. Ultimately, Ms. Schroeder elected not to proceed to trial and also pleaded guilty to Count One of the indictment. The government believes that Ms. Schroeder’s decision to plead guilty was due, in part, to the fact that Mr. Crouse had agreed to plead guilty and testify against Ms. Schroeder should she proceed to trial.

5. It is the opinion of the government that the information provided by Mr. Crouse has been truthful, complete, and reliable and that his cooperation has been timely, extensive, and valuable.

6. In summary, Mr. Crouse’s assistance satisfies the factors used to assess substantial assistance motions in U.S.S.G. § 5K1.1: Mr. Crouse’s cooperation was significant and useful in the government's investigation and prosecution of another; he was truthful,

reliable and complete in his information; he provided a debriefing; and he was willing to testify against another individual, if necessary.

7. Based on the foregoing, the government respectfully requests that this Court depart downward two (2) levels from the otherwise applicable offense level in this case. Such a departure would reduce the defendant's offense level to level 10 and provide for a guideline imprisonment range of 6 to 12 months. This range is in Zone B of the Sentencing Table, which allows for a sentence of probation that substitutes intermittent confinement, home confinement or community confinement for imprisonment. U.S.S.G. § 5C1.1(c). The government submits that such a departure will reflect the extent and nature of the defendant's assistance, and will, at the same time, provide appropriate and meaningful punishment for Mr. Crouse's criminal conduct.

Dated at Milwaukee, Wisconsin, this 7th day of December, 2009.

MICHELLE L. JACOBS
United States Attorney

By:

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